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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,653	02/19/2004	Uehito Kawashima	00597/0200816-US0	7337
7278	7590	06/22/2006	EXAMINER	
DARBY & DARBY P.C.			TA, THO DAC	
P. O. BOX 5257			ART UNIT	PAPER NUMBER
NEW YORK, NY 10150-5257			2833	

DATE MAILED: 06/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/783,653	Applicant(s) KAWASHIMA ET AL.	
	Examiner Tho D. Ta	Art Unit 2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 5-12 is/are rejected.
- 7) ☒ Claim(s) 2-4 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/19/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art (page 1 of the specification) in view of Kester et al. (6,457,843).

In regard to claims 1, 5-12, Applicant's admitted prior art (page 1 of the specification) discloses a terminal protective device for a compressor, comprising: a terminal fence fixed to the outer surface of a hermetically sealed vessel so as to surround a terminal attached to the hermetically sealed vessel; and a terminal cover attached to the terminal fence so as to cover the terminal, wherein the terminal cover is held on its upper and lower surfaces by the terminal fence.

However, Applicant's admitted prior art (page 1 of the specification) does not disclose that the terminal cover has the shape of a substantially rectangular box and it is held on its upper or lower surface as well as right and left surfaces by the terminal fence, and the terminal cover comprises a lead wire drawing portion, and the lead wire drawing portion is cut out/formed so as to be gradually narrowed from an open side on a terminal fence side, and is partially covered with the terminal fence in a state in which the terminal cover is held by the terminal fence.

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Kester et al. discloses that the terminal cover 20 has the shape of a substantially rectangular box and it is held on its upper surface as well as right and left surfaces by the terminal fence 14, wherein the terminal cover 20 comprises a lead wire drawing portion 33, and the lead wire drawing portion is cut out/formed so as to be gradually narrowed from an open side on a terminal fence side, and is partially covered with the terminal fence in a state in which the terminal cover is held by the terminal fence 14.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Applicant's admitted prior art (page 1 of the specification) by constructing the retaining mechanism at the upper surface as well as right and left surfaces by the terminal fence as disclosed by Kester et al. in order to provide a stronger retaining mechanism for the cover and thus preventing the cover from falling off the terminal unintentionally.

Allowable Subject Matter

3. Claims 2-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to provide, teach or suggest the projecting dimension of the receiving piece from the hermetically sealed vessel is larger than that of the holding piece; and in combination with all the limitations in the base claim.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tho D. Ta whose telephone number is (571) 272-2014. The examiner can normally be reached on M-F (8:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (571) 272-2800 ext 33. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

tdt
06/12/06


THO D. TA
PRIMARY EXAMINER